

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Dennis Bowers,

Case No. 3:15CV103

Plaintiff,

v.

ORDER

Merrick Bank Corp.,

Defendant.

On January 8, 2016, the office of the undersigned received a copy of a letter from the *pro se* plaintiff stating that he was unable to speak and thus, apparently, chose not to appear for a previously scheduled deposition.

That is not a sufficient excuse, and not just for the reason that no medical confirmation of the cause of the asserted condition accompanies plaintiff's letter, for failing to take some steps to notify defendant's attorney of his condition and inability to appear for his deposition.

Plaintiff filed this suit. He must provide such information as the defendant may properly request. If he cannot do so orally, he can undertake to do so by gesture or otherwise visually, or in writing or otherwise. If he has not done so, he must also provide whatever documentation the defendant may properly request.

It is hereby

ORDERED THAT:

1. Leave is granted to the defendant to reschedule and provide appropriate notice of a date for plaintiff's deposition;
2. Plaintiff shall appear at the set time and place and submit to being deposed; he shall respond as he is able; in the event he contends that he is incapable of responding

orally, he shall present medical certification of his condition, its causes, and prognosis;

3. Plaintiff shall file no further *ex parte* communications with the Court; any communication or pleading must include a statement that a copy has been sent or otherwise provided to defendant's attorney;

Plaintiff's failure to comply with the foregoing shall result, if defendant so moves, and plaintiff, on being given an opportunity to do so, fails to show good and adequate cause for such failure, in dismissal of his case, with prejudice.

The Clerk shall provide the defendant's attorney with a copy of the letter this office received from plaintiff.

So ordered.

/s/ James G. Carr
Sr. U.S. District Judge